

**IN THE CLAIMS**

Please amend the claims as follows:

Claim 1 (Currently Amended): A transmission power control method in a radio communication system comprising a base station and mobile stations, comprising:

determining that a communication to be transmitted from the base station to the mobile station is either real-time traffic or non-real time traffic based on at least one of a transmission delay, maximum retransmission count and reception error rate corresponding to the communication;

setting a transmission power margin to a first value if the communication is real-time traffic and a second value if the communication is non-real time traffic, wherein the first value is greater than the second value; and

transmitting the communication from the base station to the mobile station based on the transmission power margin set in the setting

~~wherein a transmission power margin provided to a required transmission power to satisfy a reception error rate required for radio communication between the base station and the mobile stations, is set based on a predetermined required value for communication service quality.~~

Claim 2 (Original): A transmission power control method in a radio communication system comprising a base station and mobile stations, where data retransmission is allowed in radio communication between the base station and the mobile stations,

wherein a transmission power margin provided to a required transmission power to satisfy a reception error rate required for radio communication between the base station and

the mobile stations, is set so that the transmission power margin increases as the data retransmission count in an uplink or in a downlink increases.

Claim 3 (Currently Amended): A communication device, comprising ~~means of determining a transmission power required for satisfying communication service quality required for radio communication with other communication devices, and means of transmitting data by allocating a radio resource based on the determined transmission power and transmitting data using said radio resource, further comprising:~~

means for determining that a communication to be transmitted between a base station to a mobile station is either real-time traffic or non-real time traffic based on at least one of a transmission delay, maximum retransmission count and reception error rate corresponding to the communication;

means for setting a transmission power margin to a first value if the communication is real-time traffic and a second value if the communication is non-real time traffic, wherein the first value is greater than the second value; and

means for transmitting the communication based on the transmission power margin set by the setting means

~~type judging means for judging a type of the communication service quality required for said radio communication;~~

~~margin setting means for setting a transmission power margin based on the judged type; and~~

~~transmission power determination means for determining a transmission power based on the set transmission power margin and said required transmission power.~~

Claim 4 (Canceled)

Claim 5 (Original): A communication device, comprising means of determining a transmission power required for satisfying a communication service quality required for radio communication with other communication devices, and means of allocating a radio resource based on the determined transmission power and transmitting data using said radio resource, where data retransmission is allowed via said radio communication, further comprising:

retransmission count storing means for counting a retransmission count when a same data is retransmitted and storing said retransmission count;

margin setting means for setting a transmission power margin so as to increase the transmission power margin as said retransmission count increases; and

transmission power determination means for determining a transmission power based on the set transmission power margin and said required transmission power.

Claims 6-8 (Canceled)

Claim 9 (Currently Amended): A radio communication system comprising a base station ~~which comprises means of determining a transmission power required for satisfying a communication service quality required for radio communication with a mobile station, and means of allocating a radio resource based on the determined transmission power and transmitting data using said radio resource, where data retransmission is allowed via said radio communication;~~ and a mobile station, ~~which comprises means of determining a transmission power required for satisfying a communication service quality required for radio~~

~~communication with a base station, and means of transmitting data using the determined transmission power, where data retransmission is allowed via said radio communication;~~

~~the radio communication system is characterized,~~

wherein both said base station and said mobile station ~~further~~ comprise:

retransmission count storing means for counting a retransmission count when a same data is retransmitted between the base station and mobile station and storing said retransmission count;

margin setting means for setting a transmission power margin so as to increase the transmission power margin as said retransmission count increases; and

transmission power determination means for determining a transmission power based on the set transmission power margin and said required transmission power.